

REMARKS

In response to the Office Action mailed September 22, 2005, Applicant respectfully requests reconsideration. To further the prosecution of this application, Applicant has amended the claims and provide the following remarks.

I. Claim Rejections under 35 U.S.C. §102(b)

Claims 1-4, 16, 18, 25-28 and 40-43, including independent claims 1, 28 and 40, are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,887,045 (Nakayama). These rejections are respectfully traversed. In addition, claims 1 and 40 have been amended to further distinguish over Nakayama to advance the prosecution of the application.

a. Discussion of Nakayama

Nakayama is directed to circuitry for a Dolby surround processing system that produces signals representing the sum and difference between the left and right stereophonic signals (col. 1, lines 9-15). Specifically, Nakayama discloses, with Reference to Fig. 2, a sum/differential signal switching circuit comprising a first operational amplifier IC₁ that generates a signal $V1 = A - B$ and a second operational amplifier IC₂ that generates a signal $V2 = A + B$ (col. 1, lines 23-26). One of these signals is selected by a transfer switch SW' so that an output voltage V0 may be either V1 or V2 (col. 1, lines 26-28).

b. Claim 1

Claim 1, as amended, recites a *tuner* amplifier system, comprising a tuner amplifier input that receives a tuner amplifier input signal, a first amplifier comprising an input and an output, the input of the first amplifier being coupled to the tuner amplifier input, a second amplifier comprising an input and an output, the input of the second amplifier being coupled to the tuner amplifier input, *wherein the second amplifier is a variable gain amplifier*, a tuner amplifier output that transmits a tuner amplifier output signal, and at least one a switch adapted to select a

pathway from which the tuner amplifier output signal is received, wherein the pathway comprises one of the first amplifier and the second amplifier.

Initially, Applicant notes that Nakayama is not directed to a tuner amplifier system, as recited in claim 1. Rather, Nakamaya is directed to a Dolby surround processing system, and does not teach or suggest a tuner or an amplifier system therefor. Thus, Nakayama does not disclose or suggest a tuner amplifier system as recited in claim 1.

Further, Nakayama does not disclose or suggest that either of operational amplifiers IC₁ or IC₂ has a variable gain. Indeed, operational amplifiers IC₁ or IC₂ are included in the sum/differential signal switching circuit not to amplify or vary the gain of input signals A and B, but rather to provide the sum and difference of the input signals. Thus, Nakayama does not disclose or suggest a second amplifier, wherein the second amplifier is a variable gain amplifier, as recited in claim 1.

Claim 1 has been amended herein to include some subject matter from rejected claim 15 (i.e., that the second amplifier is a variable gain amplifier). Claim 15 was rejected as being obvious over Nakayama. Thus, the comments presented in the Office Action in connection with claim 15 are addressed below in connection with claim 1.

The Office Action appears to assert that the invention of claim 15 would have been obvious over Nakayama, since it is allegedly “based on routine experimentation to obtain the optimum operating parameters.” Applicant respectfully traverses this assertion. As explained above, the sum/differential signal switching circuit does not amplify or vary the gain of input signals A and B, but rather provides the sum and difference of the input signals. Thus, it is not clear why a person of ordinary skill in the art would have been motivated to include a variable gain amplifier in the sum/differential signal switching circuit of Nakayama.

Further, the Office Action does not cite any reference for the motivation discussed above. Thus, the rejection is based, at least in part, on alleged knowledge in the art, or “well-known” prior art pursuant to MPEP §2144.03. Applicants respectfully traverse the assertion that there is any well-known prior art that would have motivated one of ordinary skill in the art to modify the Nakayama circuit to include a variable amplifier as recited in 1. If the rejection is to be maintained, the Examiner is respectfully requested to cite a reference in support of his position as

required in MPEP §2144.03, or if the Examiner is relying upon facts within his personal knowledge, to file an affidavit establishing those facts pursuant to §2144.03.

In view of the foregoing, Nakayama does not disclose or suggest a tuner amplifier system that comprises a second amplifier comprising an input and an output, the input of the second amplifier being coupled to the tuner amplifier input, wherein the second amplifier is a variable gain amplifier, as recited in claim 1, and therefore cannot anticipate this claim. Claims 2-27 depend from claim 1 and are believed to be allowable at least on the basis of their dependency from claim 1.

c. Claim 28

Claim 28, as amended, recites a method of amplifying a tuner input signal, comprising acts of detecting a power of the tuner input signal, *selecting a tuner amplifier to amplify the tuner input signal based on the power of the tuner input signal*, and amplifying the tuner input signal using the selected amplifier.

Although claim 28 was rejected as being anticipated by Nakamaya, the Office Action does not allege that Nakamaya performs any act of selecting a tuner amplifier to amplify the tuner input signal based on the power of the tuner input signal. In fact, claim 5, which (formerly) recited “[t]he tuner amplifier system of claim 1, wherein the switch is further adapted to couple one of the first amplifier output and the second amplifier output to the output of the tuner amplifier *in response to a detected power*,” was deemed to recite allowable subject matter. [Emphasis added.] Thus, it appears that all limitations of claim 28 were not considered in connection with the rejection.

Nakamaya does not disclose or suggest “selecting a tuner amplifier to amplify the tuner input signal based on the power of the tuner input signal,” as recited in claim 28, and therefore cannot anticipate this claim. Claims 29-39 depend from claim 28 and are believed to be allowable at least on the basis of their dependency from claim 28.

d. Claim 40

Claim 40, as amended, recites a tuner amplifier system, comprising a tuner amplifier input that receives a tuner amplifier input signal having an associated power; a tuner amplifier

output that transmits a tuner amplifier output signal; a first amplifier comprising an input and an output; a second amplifier comprising an input and an output; and wherein the tuner amplifier output signal comprises either a signal from the first amplifier or a signal from the second amplifier at a given time *based on the power of the tuner amplifier input signal*.

For reasons similar to those discussed in connection with claim 28, Nakamaya does not disclose or suggest a tuner amplifier system, wherein the tuner amplifier output signal comprises either a signal from the first amplifier or a signal from the second amplifier at a given time based on the power of the tuner amplifier input signal, as recited in claim 40, and therefore cannot anticipate this claim. Claims 41-43 depend from claim 40 and are believed to be allowable at least on the basis of their dependency from claim 40.

CONCLUSION

In view of the foregoing remarks, this application is believed to be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

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Respectfully submitted,

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